

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANONYMOUS,	)	8:04CV269
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
GORDON KEENE VELLA,	)	
	)	
Defendant.	)	

This matter is before the court upon the plaintiff's motion for partial summary judgment (filing 246) and a motion by the defendant seeking (1) an extension of time to respond to the motion for summary judgment and (2) extension of the trial date (filing 248).

Because there are material facts in dispute from the evidence submitted by the plaintiff on the issue of tolling of the statute of limitations (see filing 225 at 15-17, 23-24), and because those issues are inextricably linked to the specifics of the alleged sexual abuse, and since this case involves the reasonableness and accuracy of the plaintiff's repressed memory, I will deny the motion for summary judgment even though the defendant has not yet responded.

As I am denying the motion for summary judgment, I will deny the motion for additional time to respond as moot. I will also will deny the motion for extension of the trial date since this case will be nearly three years old by the time the April 23, 2007 trial date comes around.

For the reasons set forth above,

IT IS ORDERED:

1. The motion for summary judgment (filing 246) is denied;
2. That portion of filing 248 requesting additional time to respond to the motion for summary judgment is denied as moot; and
3. That portion of filing 248 requesting extension of the trial date is denied.

January 24, 2007

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge